



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,645	03/07/2001	Troy Michael Runge	16,670	5221

23556 7590 09/23/2005

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,645

Applicant(s)

RUNGE ET AL

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-19, 22-33 and 77-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19, 22-33, 77-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 7/28/2005. Claims 35-76, are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 1-2, 4-5, 8-19, 22-23, 25, 27-33, 77-79, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hansen (5,547,541).

Claims 1-2, 4-5, 14, 17-18, 22-23, 25, 27: Hansen discloses sequentially spraying a non-polymeric or polymeric binder and water insoluble superabsorbent onto the surface of a dewatered and dried web as shown in a paper machine in Figure 1 and

Art Unit: 1731

disclose chemicals listed in columns 19-20. The treated sheet is then fiberized to form absorbent non-woven products. The sprayed additives in Hansen are bound to the fibers and are inherently retained up to 100% in the sheet when exposed to a liquid, water, and thus anticipate or it would have been obvious, to one skilled in the art at the time the invention was made, show the claimed invention.

Claims 8-13, 33: the chemical additives are softening agents (Abstract). Polyhydroxy compounds are disclosed (col. 27, lines 35-50). Absorbency agents are disclosed (col. 42, lines 14-20). Strength agents are disclosed (col. 42, lines 46-52).

Claims 15, 29-32, 77-79: the amount of chemical additive is disclosed in the Examples.

Claims 16-17: dried fiber consistency is disclosed between 90 and 92 percent (col. 8, lines 35-45).

Claim 19; tissue forming is disclosed (col. 35, lines 19-32).

Claim 28: paper product enhanced quality is disclosed (Abstract).

3) Claims 3, 6, 24, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Champaigne (3,556,931). Hansen is applied as above for claims 1, 22, Hansen is silent on a z-direction gradient of the chemical additive.

Champaigne discloses a process of making a cellulosic fluffed sheet, wherein a quaternary ammonium salt is added to the web in such a way as to penetrate only the surface zone of the web and thus create a gradient of chemical additive penetration into the web (Champaigne, col. 1, lines 13-27, and col. 1, line 64 to col. 2, line 19). It would have been obvious, to one skilled in the art at the time the invention was made, to

combine the teachings of Hansen and Champaigne, because such a combination would create a product of Hansen having a dense absorbent inner zone and a softer more fluid outer zone, as disclosed by Champaigne (col. 1, lines 25-27).

Response to Amendment

- 4) Claims 77-79 objection is withdrawn.
- 5) The terminal disclaimer filed on 7/28/2005, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent resulting from application 10/242,571 has been reviewed and is accepted. The terminal disclaimer has been recorded.
- 6) Applicants' arguments filed 7/28/2005, have been fully considered but they are not persuasive.

Applicants allege that the cited prior art, Hansen, does not disclose dispersing the chemically treated pulp fibers in water and draining the water.

Hansen discloses sequentially spraying a non-polymeric or polymeric binder and water insoluble superabsorbent onto the surface of a dewatered and dried web as shown in a paper machine in Figure 1 and disclose chemicals listed in columns 19-20. The treated sheet is then fiberized to form absorbent non-woven products. The sprayed additives in Hansen are bound to the fibers and are inherently retained up to 100% in the sheet when exposed to a liquid, water, and thus anticipate or it would have been obvious, to one skilled in the art at the time the invention was made, show the claimed invention.

Conclusion

7) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark Halpern
Primary Examiner
Art Unit 1731